

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LG. PHILIPS LCD CO., LTD,)
)
)
Plaintiff,)
)
)
v.) CIVIL ACTION NO. CV-04 11076 (RCL)
)
MICHELE B. BOVIO &)
ROBERT C. FRAME,)
)
Defendants.)
)

**DECLARATION OF ANTHONY C. ROTH IN SUPPORT OF LPL'S
OPPOSITION TO DEFENDANT BOVIO'S FRCP 12(b)(2) MOTION TO
DISMISS FOR LACK OF PERSONAL JURISDICTION**

I, Anthony C. Roth, declare:

1. I am an attorney licensed to practice in Michigan and the District of Columbia, and am a partner in the Washington, D.C. office of the law firm of Morgan, Lewis & Bockius, LLP. I have been admitted *pro hac vice* to practice before this court in this case. I have personal knowledge of the matters stated herein, and if called to testify, could and would testify competently thereto.

2. Attached as Exhibit 1 is a true and accurate copy of United States Patent No. 5,926,237.

3. Attached as Exhibit 2 is a true and accurate copy of United States Patent No. 6,002,457.

4. Attached as Exhibit 3 is a true and accurate copy of United States Patent No. 6,020,942.

5. Attached as Exhibit 4 is a true and accurate copy of United States Patent No. 6,373,537.

6. Attached as Exhibit 5 is a true and accurate copy of United States Patent No. 5,835,139.

7. Attached as Exhibit 6 is a true and accurate copy of the February 28, 2004 Declaration of Michele B. Bovio, which was filed in *LG.Philips LCD Co., Ltd. v. Tatung Co. of America, et al.*, Civil Action No. 02-6775 (C.D. Cal.).

8. Attached as Exhibit 7 is a true and accurate copy of portions of a 1997 patent application (United States Patent Application 08/822,438) submitted to the United States Patent & Trademark Office by Michele B. Bovio and Robert C. Frame.

9. Attaches as Exhibit 8 is a true and accurate copy of the September 30, 1997 Assignment of United States Patent Application 08/822,438 to Digital Equipment Corporation signed by Michele B. Bovio and Robert C. Frame.

10. Attached as Exhibit 9 is a true and accurate copy of a March 17, 2004 e-mail from Christopher A. Mathews to Anthony C. Roth, Corinne A. Niosi, and Jeffrey N. Brown.

11. Attached as Exhibit 10 is a true and accurate copy of a May 2004 e-mail from Christopher A. Mathews to Jin Kwan Choi.

12. Attached as Exhibit 11 is a true and accurate copy of the June 17, 2004 Supplemental Declaration of Michele B. Bovio, which was filed in *LG.Philips LCD Co., Ltd. v. Tatung Co. of America, et al.*, Civil Action No. 02-6775 (C.D. Cal.).

13. Attached as Exhibit 12 is a true and accurate copy of a web page from the United States Patent & Trademark Office identifying 37 United States patents that have issued to Michele B. Bovio since 1976.

14. Attached as Exhibit 13 are true and accurate copies of the front pages of the 37 United States patents identified in Exhibit 12.

15. Attached as Exhibit 14 is a true and accurate copy the cover page of the published United States Patent Application 09/860,128, which names Michele Bovio as an inventor and is currently pending before the United States Patent & Trademark Office.

16. Attached as Exhibit 15 is a true and accurate copy of the cover page of the published United States Patent Application 10/127,006, which names Michele Bovio as an inventor and is currently pending before the United States Patent & Trademark Office.

17. Attached as Exhibit 16 is a true and accurate copy of the March 20, 2002 Assignment executed by Michele Bovio in connection with United States Patent Application 10/127,006.

18. Attached as Exhibit 17 is a true and accurate copy of the cover page and claims of the published United States Patent Application No. 09/779,428, which names Michele Bovio as an inventor and issued as United States Patent No. 6,618,936.

19. Attached as Exhibit 18 is a true and accurate copy of the cover page and claims of United States Patent No. 6,618,936, which names Michele Bovio as an inventor.

20. Attached as Exhibit 19 is a true and accurate copy of the cover page and claims of the published United States Patent Application No. 09/812,025, which names Michele Bovio as an inventor and issued as United States Patent No. 6,564,429.

21. Attached as Exhibit 20 is a true and accurate copy of the cover page and claims of United States Patent No. 6,564,429, which names Michele Bovio as an inventor.

22. Attached as Exhibit 21 is a true and accurate copy of the cover page and claims of the published United States Patent Application No. 09/929,876, which names Michele Bovio as an inventor and issued as United States Patent No. 6,771,492.

23. Attached as Exhibit 22 is a true and accurate copy of the cover page and claims of United States Patent No. 6,771,492, which names Michele Bovio as an inventor.

24. Attached as Exhibit 23 is a true and accurate copy of the cover page and claims of the published United States Patent Application No. 10/201,105, which names Michele Bovio as an inventor and issued as United States Patent No. 6,724,623.

25. Attached as Exhibit 24 is a true and accurate copy of the cover page and claims of United States Patent No. 6,724,623, which names Michele Bovio as an inventor.

26. Attached as Exhibit 25 is a true and accurate copy of the cover page and claims of the published United States Patent Application No. 10/127,960, which names Michele Bovio as an inventor and issued as United States Patent No. 6,778,385

27. Attached as Exhibit 26 is a true and accurate copy of the cover page and claims of United States Patent No. 6,778,385, which names Michele Bovio as an inventor.

28. Attached as Exhibit 27 is a true and accurate copy of pages from the Manual of Patent Examining Procedure.

29. Attached as Exhibit 28 is a true and accurate copy of the Martindale Hubbell entry for the Houston, Texas firm of Conley Rose, PC, reflecting Michael F. Heim as an attorney for that firm. Michael F. Heim is also listed as the attorney prosecuting United States Patent Nos. 6,125,034 and 6,307,740 to Michele B. Bovio as shown on the front pages of those patents in Exhibit 13

30. Attached as Exhibit 29 is a true and accurate copy of a "Patent Memorandum" of the firm Conley Rose, PC, obtained from the Conley Rose, PC website.

31. Attached as Exhibit 30 is a true and accurate copy of the webpage from the United States Patent Trademark Office website showing Michele B. Bovio as assignor of 20 United States patents and two United States patent applications.

32. Attached as Exhibit 31 is a true and accurate copy of the March 24, 1999 Assignment executed by Michele B. Bovio in Massachusetts in connection with United States Patent Application No. 09/138,318, which issued as United States Patent No. 6,224,996.

33. Attached as Exhibit 32 is a true and accurate copy of the August 7, 1998 Assignment executed by Michele B. Bovio in Massachusetts in connection with United States Patent Application No. 09/148,740, which issued as United States Patent No. 6,202,256.

34. Attached as Exhibit 33 is a true and accurate copy of the August 7, 1998, Assignment executed by Michele B. Bovio in Massachusetts in connection with United States Patent Application No. 09/148,740, which issued as United States Patent No. 6,202,256.

35. Attached as Exhibit 34 is a true and accurate copy of the March 21, 1997 Assignment executed by Michele B. Bovio in Massachusetts in connection with United States Patent Application No. 08/822,972, which issued as United States Patent No. 6,125,034.

36. Attached as Exhibit 35 is a true and accurate copy of the Declaration of Jin Kwan Choi in Support of Opposition to Chunghwa Picture Tubes, Ltd.'s Motion for Summary Judgment on Plaintiff's Side-Mount Patent Infringement Claims for Lack of Standing, which was filed in *LG.Philips LCD Co., Ltd. v. Tatung Co. of America, et al.*, Civil Action No. 02-6775 (C.D. Cal.).

37. Attached as Exhibit 36 is a true and accurate copy of the Declaration of Sang Hoon Lee in Support of Opposition to Chunghwa Picture Tubes, Ltd.'s Motion for Summary Judgment on Plaintiff's Side-Mount Patent Infringement Claims for Lack of Standing, which was filed in *LG.Philips LCD Co., Ltd. v. Tatung Co. of America, et al.*, Civil Action No. 02-6775 (C.D. Cal.).

38. Attached as Exhibit 37 is a true and accurate copy of webpages from Security Tree™ website showing Carena & Associati S.r.l. of Ivrea, Italy as the maker of the "e-test" product sold by Security Tree™.

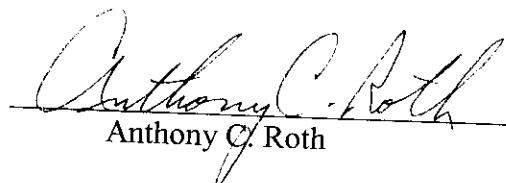
39. Attached as Exhibit 38 is a true and accurate copy of "Preparing, Prosecuting and Defending Biotechnology Patents" by David E. Brook with the law firm Hamilton Brook Smith & Reynolds, P.C., obtained from the firm's web site. Mary Lou Wakimura, the prosecuting attorney for U.S. Patent Nos. 6,046,571 and 6,125,034 to Bovio, is an attorney with this firm as indicated on the cover page of the patents.

40. I am aware of additional facts relevant to Michele B. Bovio's contacts with Massachusetts and the United States, but am not currently able to disclose those facts to the Court because Michele B. Bovio's counsel has designated July 22, 2004 deposition testimony as "confidential" under the Protective Order entered by the United States District Court for the Central District of California in *LG.Philips LCD Co., Ltd. v. Tatung Co. of America, et al.*, Civil Action No. 02-6775 (C.D. Cal.).

41. Based on the information that is readily available to LG.Philips LCD Co., Ltd. and its counsel, unless Michele B. Bovio is subject to personal jurisdiction in California as a result of his voluntary participation in the litigation between LG.Philips LCD Co., Ltd. and Chunghwa Picture Tubes, Ltd., Michele B. Bovio is not subject to suit in the courts of general jurisdiction of any state or commonwealth other than Massachusetts.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: September 12, 2004



The image shows a handwritten signature in black ink, which appears to read "Anthony C. Roth". Below the signature, the name "Anthony C. Roth" is printed in a smaller, standard font.